

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ANTWAUN T. BEAVERS, SR.,

CASE NO. CV-F-02-5537 LJO

Plaintiff,

ORDER TO SHOW CAUSE WHY SANCTIONS
SHOULD NOT BE IMPOSED FOR FAILURE TO
FILE BRIEFS

vs.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

Plaintiff Antwaun T. Beavers, Sr. ("plaintiff") proceeds in this action seeking judicial review of an administrative decision denying plaintiff's claim for benefits under the Social Security Act.

After remand to search for plaintiff Antwaun T. Beavers, Sr.'s missing claim file, Jo Ann B. Barnhart, Commissioner of Social Security, lodged the administrative record for plaintiff's claim on June 8, 2005. This Court issued its June 13, 2005 Order directing that the briefing schedule outlined in this Court's May 8, 2002 Scheduling Order commences as of June 8, 2005. The Scheduling Order required plaintiff to serve on the U.S. Attorney a letter brief within 30 days after service of the Administrative Record on plaintiff. The U.S. Attorney represents defendant Jo Anne B. Barnhart, Commissioner of Social Security ("Commissioner"), and served the Administrative Record on June 8, 2005.

In addition, the Scheduling Order requires plaintiff to file with the Court and serve on the U.S. Attorney an opening brief within 30 days of the letter brief of the U.S. Attorney.

Based on the deadline to initiate the letter brief exchange, this Court calculates that the deadlines

1 have passed to serve plaintiff's letter brief and to file and serve plaintiff's opening brief. Plaintiff has
2 not filed with the Court nor served on the U.S. Attorney an opening brief in compliance with this Court's
3 orders.

4 Accordingly, this Court ORDERS plaintiff, no later than October 7, 2005, to show cause in
5 writing why sanctions, including dismissal of this action, should not be imposed for plaintiff's failure
6 to file briefs and to comply with this Court's orders. This Court will vacate this order to show cause if
7 plaintiff files with this Court and serves on the U.S. Attorney an opening brief no later than October 7,
8 2005.

9 **Plaintiff is admonished that failure to timely comply with this order will result in dismissal**
10 **of this action.**

11 IT IS SO ORDERED.

12 **Dated: September 27, 2005**
b9ed48

/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE